

ASSEMBLY BILL

No. 1948

Introduced by Assembly Member Mullin

February 19, 2014

An act to amend Section 13.5 to the Elections Code, and to amend Section 27000.7 of the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

AB 1948, as introduced, Mullin. Counties: officers: qualification for office.

Existing law prohibits a person from being considered a legally qualified candidate for the offices of county auditor, county district attorney, county sheriff, county superintendent of schools, judge of the superior court, county treasurer, county tax collector, or county treasurer-tax collector, unless the person has filed a declaration of candidacy, nomination paper, or statement of write-in candidacy, accompanied by documentation, as specified, sufficient to establish, in the determination of the official with whom the declaration or statement is filed, that the person meets each qualification established by specified provisions for service in that office.

This bill would extend these requirements to the offices of consolidated director of finance and director of finance of any county. By imposing new duties on local election officials and expanding the crime of perjury, this bill would create a state-mandated local program.

Existing law requires that a person meet at least one of 5 specified criteria to be eligible for election or appointment to the office of county treasurer, county tax collector, or county treasurer-tax collector of any county elected or appointed on or after January 1, 1998.

This bill would extend these requirements to the offices of consolidated director of finance and director of finance of any county. The bill would revise one of the specified criteria, and would change the applicability date from January 1, 1998, to January 1, 2015.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13.5 of the Elections Code is amended
2 to read:

3 13.5. (a) (1) Notwithstanding subdivision (a) of Section 13,
4 no person shall be considered a legally qualified candidate for any
5 of the offices set forth in subdivision (b) unless that person has
6 filed a declaration of candidacy, nomination papers, or statement
7 of write-in candidacy, accompanied by documentation, including,
8 but not necessarily limited to, certificates, declarations under
9 penalty of perjury, diplomas, or official correspondence, sufficient
10 to establish, in the determination of the official with whom the
11 declaration or statement is filed, that the person meets each
12 qualification established for service in that office by the provision
13 referenced in subdivision (b).

14 (2) The provision of “documentation,” for purposes of
15 compliance with the requirements of paragraph (1), may include
16 the submission of either an original, as defined in Section 255 of
17 the Evidence Code, or a duplicate, as defined in Section 260 of
18 the Evidence Code.

19 (b) This section shall be applicable to the following offices and
20 qualifications therefor:

21 (1) For the office of county auditor, the qualifications set forth
22 in Sections 26945 and 26946 of the Government Code.

(2) For the office of county district attorney, the qualifications set forth in Sections 24001 and 24002 of the Government Code.

(3) For the office of county sheriff, the qualifications set forth in Section 24004.3 of the Government Code.

(4) For the office of county superintendent of schools, the qualifications set forth in Sections 1205 to 1208, inclusive, of the Education Code.

(5) For the office of judge of the superior court, the qualifications set forth in Section 15 of Article VI of the California Constitution.

(6) For the office of county treasurer, county tax collector, ~~or~~ county treasurer-tax collector, *consolidated director of finance*, *or director of finance of any county*, the qualifications set forth in Section 27000.7 of the Government Code, provided that the board of supervisors has adopted the provisions of that section pursuant to Section 27000.6 of the Government Code.

SEC. 2. Section 27000.7 of the Government Code is amended to read:

27000.7. (a) No person shall be eligible for election or appointment to the office of county treasurer, county tax collector, ~~or~~ county treasurer-tax collector, *consolidated director of finance*, *or director of finance*, of any county unless that person *meets the requirements of Section 13.5 of the Elections Code* and meets at least one of the following criteria:

(1) The person has served in a senior financial management position in a county, city, or other public agency dealing with similar financial responsibilities for a continuous period of not less than three years, including, but not limited to, treasurer, tax collector, auditor, auditor-controller, or the chief deputy or an assistant in those offices.

(2) The person possesses a valid baccalaureate, masters, or doctoral degree from an accredited college or university in any of the following major fields of study: business administration, public administration, economics, finance, accounting, or a related field, with a minimum of 16 college semester units, or their equivalent, in accounting, auditing, or finance.

(3) The person possesses a valid certificate issued by the California Board of Accountancy pursuant to Chapter 1 (commencing with Section 5000) of Division 3 of the Business

1 and Professions Code, showing that person to be, and a permit
2 authorizing that person to practice as, a certified public accountant.

3 (4) The person possesses a valid charter issued by the Institute
4 of Chartered Financial Analysts showing the person to be
5 designated a Chartered Financial Analyst, with a minimum of 16
6 college semester units, or their equivalent, in accounting, auditing,
7 or finance.

8 (5) The person possesses a valid certificate issued by the
9 ~~Treasury Management~~ Association *for Financial Professionals*
10 showing the person to be designated a Certified *Treasury*
11 *Professional* Cash Manager, with a minimum of 16 college
12 semester units, or their equivalent, in accounting, auditing, or
13 finance.

14 (b) This section shall only apply to any person duly elected or
15 appointed as a county treasurer, county tax collector, ~~or~~ county
16 treasurer-tax collector, *consolidated director of finance, director*
17 *of finance*, on or after January 1, ~~1998~~ 2015.

18 SEC. 3. No reimbursement is required by this act pursuant to
19 Section 6 of Article XIII B of the California Constitution for certain
20 costs that may be incurred by a local agency or school district
21 because, in that regard, this act creates a new crime or infraction,
22 eliminates a crime or infraction, or changes the penalty for a crime
23 or infraction, within the meaning of Section 17556 of the
24 Government Code, or changes the definition of a crime within the
25 meaning of Section 6 of Article XIII B of the California
26 Constitution.

27 However, if the Commission on State Mandates determines that
28 this act contains other costs mandated by the state, reimbursement
29 to local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.